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HUMAN RIGHTS QUESTIONS

Excerpts from the report of the Commission on Human Rights on its fifty-eighth session for consideration by the Economic and Social Council at its resumed organizational session for 2002*

* The final edited report of the Commission on Human Rights on its fifty-eighth session will be issued as *Official Records of the Economic and Social Council, 2002, Supplement No. 3*. The numbering of the draft decisions reproduced in section I hereafter is provisional, and the texts of the narrative account of the proceedings, reproduced in section III hereafter, are as adopted *ad referendum* by the Commission.

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CONTENTS

		Page
I.	Draft decisions recommended for adoption by the Economic and Social Council	3
	1. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health	3
	2. Racism, racial discrimination, xenophobia and related intolerance	5
	3. Expiration of office-holders' terms of appointment under special procedures	8
II.	Resolutions and decisions adopted by the Commission at its fifty-eighth session	9
	2002/31. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health	9
	2002/68. Racism, racial discrimination, xenophobia and related intolerance	12
	2002/114. Expiration of office-holders' terms of appointment under special procedures	21
III.	Narrative account of proceedings, including results of voting	23
	Excerpts from chapter VI of the Commission draft report	23
	Excerpts from chapter X of the Commission draft report	25
	Excerpts from chapter XX of the Commission draft report	26
IV.	Administrative and programme budget implications of resolutions and decisions adopted by the Commission at its fifty-eighth session	27

I. Draft decisions recommended for adoption by the Economic and Social Council

1. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/31 of 22 April 2002, approves the decision of the Commission:

(*a*) To appoint, for a period of three years, a special rapporteur whose mandate will focus on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of the International Covenant on Economic, Social and Cultural Rights, article 24 of the Convention on the Rights of the Child and article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, as well as on the right to non-discrimination as reflected in article 5 (*e*) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination;

(*b*) To request the Special Rapporteur:

(i) To gather, request, receive and exchange information from all relevant sources, including Governments, intergovernmental organizations and non-governmental organizations, on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(ii) To develop a regular dialogue and discuss possible areas of cooperation with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, in particular the World Health Organization and the Joint United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, as well as non-governmental organizations and international financial institutions;

(iii) To report on the status, throughout the world, of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in accordance with the provisions of the instruments listed in subparagraph (*a*) above, and on developments relating to this

right, including on laws, policies and good practices most beneficial to its enjoyment and obstacles encountered domestically and internationally to its implementation;

(iv) To make recommendations on appropriate measures to promote and protect the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with a view to supporting States' efforts to enhance public health;

(*c*) To request the Special Rapporteur to avoid in her or his work any duplication or overlapping with the work, competence and mandate of other international bodies active in health issues;

(*d*) To invite the Special Rapporteur:

(i) To apply a gender perspective in her or his work and to pay special attention to the needs of children in the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(ii) To take into account in her or his work the relevant provisions of the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12), as well as of the declarations and programmes of action adopted by the major United Nations conferences and summits and their follow-up meetings, and to bear in mind General Comment No. 14 (2000) of the Committee on Economic, Social and Cultural Rights and General Recommendation No. 24 adopted by the Committee on the Elimination of Discrimination against Women at its twentieth session, as well as any other general comment that treaty bodies adopt on related provisions of relevant instruments;

(*e*) To request the Office of the United Nations High Commissioner for Human Rights to provide all the necessary resources for the effective fulfilment of the Special Rapporteur's mandate from within existing resources;

(*f*) To request the Special Rapporteur to submit an annual report to the Commission on the activities performed under his or her mandate.

[See sect. II, resolution 2002/31, and chap. X.]

2. Racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/68 of 25 April 2002, approves the decision of the Commission:

(*a*) To establish an intergovernmental working group, with the following mandate:

(i) To make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12);

(ii) To prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;

(*b*) To establish a working group of five independent experts on people of African descent, appointed on the basis of equitable geographical representation by the Chairman of the fifty-eighth session of the Commission on Human Rights, in consultation with regional groups, to meet for two sessions of five working days each prior to the fifty-ninth session of the Commission, in closed and public meetings, with a mandate:

(i) To study the problems of racial discrimination faced by people of African descent living in the Diaspora and to this end gather all relevant information from Governments, non-governmental organizations and other relevant sources, including through holding public meetings with them;

(ii) To propose measures to ensure full and effective access to the justice system by people of African descent;

(iii) To submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent;

(iv) To elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, including proposals for a mechanism to monitor and promote all their human rights, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent, inter alia through:

a. Improving the human rights situation of people of African descent by devoting special attention to their needs, inter alia through the preparation of specific programmes of action;

b. Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;

c. Developing programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives, within the human rights framework;

(*c*) To request the Working Group of Experts on People of African Descent to submit a report to the Commission at its fifty-ninth session;

(*d*) To emphasize the importance of the appointment of the five independent eminent experts by the Secretary-General to follow-up the implementation of the provisions of the Durban Declaration and Programme of Action, with the following terms of reference:

(i) To receive reports from States, non-governmental organizations and all relevant institutions within the United Nations system on the implementation of and follow-up to the Durban Declaration and Programme of Action and make recommendations to States for their national plans of action, bearing in mind the resource constraints of the developing countries;

(ii) To make recommendations to the Intergovernmental Working Group on measures for effective and coordinated implementation of the Durban Declaration and Programme of Action, including regional perspectives;

(iii) To make recommendations to the Secretary-General, the Office of the United Nations High Commissioner for Human Rights and the Commission on Human Rights on ways and means of mobilizing the resources necessary for anti-racism activities;

(iv) To assist the Intergovernmental Working Group in its preparation of complementary standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;

(v) To cooperate with the Committee on the Elimination of Racial Discrimination, the Commission and the Office of the High Commissioner in the comprehensive implementation of the Durban Declaration and Programme of Action;

(*e*) To keep the mandate of the independent eminent experts under constant review;

(*f*) To establish a voluntary fund to provide additional resources for:

(i) The effective implementation of the Durban Declaration and Programme of Action, in particular in developing countries;

(ii) The participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts in the open-ended sessions of the Working Group of Experts on People of African Descent;

(iii) The activities of the Committee on the Elimination of Racial Discrimination;

(iv) National, regional and international activities to counter racism, racial discrimination, xenophobia and related intolerance, including the holding of seminars;

(v) The anti-racial discrimination activities of the Anti-Discrimination Unit of the Office of the United Nations High Commissioner for Human Rights;

(*g*) To renew the mandate of the Special Rapporteur for three years and to appoint Mr. Doudou Diène as Special Rapporteur, in order to take advantage of his expertise in this field;

(*h*) To include in its rationalized agenda a separate item entitled "Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action".

[See sect. II, resolution 2002/68, and chap. VI.]

3. Expiration of office-holders' terms of appointment under special procedures

The Economic and Social Council, taking note of Commission on Human Rights decision 2002/114, of 26 April 2002, approves the decision of the Commission:

(*a*) That the six-year period of time referred to in subparagraph (*a*) (ii) (Special procedures mandates) of the Chairperson of the Commission's statement on enhancement of the effectiveness of the mechanism of the Commission, of 29 April 1999 (E/1999/23-E/CN.4/1999/167, chap. XX, para. 552), will not extend beyond the last day of the substantive session of the Council immediately following the relevant session of the Commission;

(*b*) That any reports on activities undertaken by the concerned individual office-holder between the date of submission of reports to the relevant session of the Commission and the last day of the substantive session of the Economic and Social Council will be circulated as official documents of the subsequent session of the Commission;

(*c*) That the Chairperson of the Commission, in consultation with the expanded Bureau, will endeavour to select and appoint office-holders as early as possible with a view to avoiding gaps between terms of office-holders.

[See sect. II, decision 2002/114, and chap. XX.]

II. Resolutions and decisions adopted by the Commission at its fifty-eighth session

2002/31. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right and that such a right derives from the inherent dignity of the human person,

Recalling the declarations and programmes of action adopted by the major United Nations conferences and summits and their follow-up meetings,

Recalling also its previous resolutions on the realization of economic, social and cultural rights, in particular resolutions 2001/30 of 20 April 2001, 2001/33 of 23 April 2001 and 2001/51 of 24 April 2001,

Taking note with interest of General Comment No. 14 (2000) on the right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session in May 2000,

Aware that, for millions of people throughout the world, the full enjoyment of the right to the highest attainable standard of physical and mental health still remains a distant goal and that, in many cases, especially for those living in poverty, this goal is becoming increasingly remote,

Recognizing a need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

Welcoming the recent initiatives by the Secretary-General and relevant United Nations bodies and programmes, such as the World Health Organization and the Joint United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, as well

as public-private partnership initiatives, such as the Global Fund to Fight Acquired Immunodeficiency Syndrome, Tuberculosis and Malaria, which contribute to improvements in addressing health issues worldwide, including in developing countries, while noting that further progress should be achieved in this regard, including in the mobilization of resources,

Mindful of the need to promote and protect the progressive realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

1. *Urges* States to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources for this purpose, with a view to achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health by all appropriate means, including particularly the adoption of legislative measures;

2. *Calls upon* the international community to continue to assist the developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support as well as training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

3. *Calls upon* States to guarantee that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health will be exercised without discrimination of any kind;

4. *Decides* to appoint, for a period of three years, a special rapporteur whose mandate will focus on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of the International Covenant on Economic, Social and Cultural Rights, article 24 of the Convention on the Rights of the Child and article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, as well as on the right to non-discrimination as reflected in article 5 (*e*) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination;

5. *Requests* the Special Rapporteur:

(*a*) To gather, request, receive and exchange information from all relevant sources, including Governments, intergovernmental organizations and non-governmental organizations, on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(*b*) To develop a regular dialogue and discuss possible areas of cooperation with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, in particular the World Health Organization and the Joint United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, as well as non-governmental organizations and international financial institutions;

(*c*) To report on the status, throughout the world, of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in accordance with the provisions of the instruments listed in paragraph 4 above, and on developments relating to this right, including on laws, policies and good practices most beneficial to its enjoyment and obstacles encountered domestically and internationally to its implementation;

(*d*) To make recommendations on appropriate measures to promote and protect the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with a view to supporting States' efforts to enhance public health;

6. *Requests* the Special Rapporteur to avoid in her or his work any duplication or overlapping with the work, competence and mandate of other international bodies active in health issues;

7. *Invites* the Special Rapporteur to apply a gender perspective in her or his work and to pay special attention to the needs of children in the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

8. *Also invites* the Special Rapporteur to take into account in her or his work the relevant provisions of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12), as well as of the declarations and programmes of action adopted by the major United Nations conferences and summits and their follow-up meetings, and to bear in mind General Comment No. 14 (2000) of the Committee on Economic, Social and Cultural Rights and General Recommendation No. 24 adopted at the twentieth session of the Committee on the Elimination of Discrimination against Women, as well as any other general comment that treaty bodies adopt on related provisions of relevant instruments;

9. *Requests* the United Nations High Commissioner for Human Rights to provide all the necessary resources for the effective fulfilment of the Special Rapporteur's mandate from within existing resources;

10. *Calls upon* Governments to cooperate fully with the Special Rapporteur in the implementation of her or his mandate, to provide all information requested and to respond promptly to her or his communications;

11. *Requests* the Special Rapporteur to submit an annual report to the Commission on the activities performed under her or his mandate;

12. *Decides* to continue consideration of this matter at its fifty-ninth session under the same agenda item.

49th meeting
22 April 2002
[Adopted without a vote. See chap. X.]

2002/68. Racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Recalling its resolution 2001/5 of 18 April 2001,

Welcoming the Durban Declaration and Programme of Action adopted on 8 September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12), held in Durban, South Africa,

Stressing that the Durban Declaration and Programme of Action provide a solid basis for combating the contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism and racial discrimination, and its conviction that racism and racial discrimination, in all their forms and manifestations, constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Stressing the need for maintaining continued political will and momentum, at the national, regional and international levels, in order to combat racism, racial discrimination, xenophobia and related intolerance, taking into account commitments under the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

Convinced that racism, as one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Deeply concerned that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result of resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Reaffirming general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination concerning article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, which holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention,

Reaffirming also that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for promoting equality and non-discrimination in the world,

Underlining the importance of urgently eliminating continued and violent trends of racism, racial discrimination, xenophobia and related intolerance and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Emphasizing that adequate resources at the national, regional and international levels are necessary for the effective implementation of the Durban Declaration and Programme of Action,

Recognizing that Governments should implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations,

Emphasizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices which in turn generate more poverty,

Recalling the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Noting with grave concern that despite the efforts of the international community, the principal objectives of the three Decades for Action to Combat Racism and Racial Discrimination have not been attained and that countless human beings continue to the present day to be victims of racism, racial discrimination, xenophobia and related intolerance,

I. COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE DURBAN DECLARATION AND PROGRAMME OF ACTION

1. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

2. *Invites* States to give widespread publicity to the Durban Declaration and Programme of Action;

3. *Invites* all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust, within their respective mandates, their activities, programmes and medium-term strategies to implement and follow-up the Durban Declaration and Programme of Action;

4. *Emphasizes* that remembering the crimes and wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity;

5. *Requests* the Secretary-General, the Economic and Social Council and other relevant organs and bodies of the United Nations system to take further action with a view to the full implementation of all the recommendations of the World Conference and to reflect progress in this regard in their reports;

6. *Invites* all human rights treaty monitoring bodies and all mechanisms and subsidiary bodies of the Commission to consider the Durban Declaration and Programme of Action, in the discharge of their respective mandates;

7. *Decides* to establish an intergovernmental working group, with the following mandate:

(*a*) To make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action;

(*b*) To prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;

8. *Also decides* to establish a working group of five independent experts on people of African descent, appointed on the basis of equitable geographical representation by the Chairman of the fifty-eighth session of the Commission, in consultation with regional groups, to meet for two sessions of five working days each prior to the fifty-ninth session of the Commission, in closed and public meetings, with a mandate:

(*a*) To study the problems of racial discrimination faced by people of African descent living in the diaspora and to this end gather all relevant information from Governments, non-governmental organizations and other relevant sources, including through holding public meetings with them;

(*b*) To propose measures to ensure full and effective access to the justice system by people of African descent;

(*c*) To submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent;

(*d*) To elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, including proposals for a mechanism to monitor and promote all their human rights, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent, inter alia through:

(i) Improving the human rights situation of people of African descent by devoting special attention to their needs, inter alia through the preparation of specific programmes of action;

(ii) Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;

(iii) Developing programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives, within the human rights framework;

9. *Requests* the Working Group of Experts on People of African Descent to submit a report to the Commission at its fifty-ninth session;

10. *Requests* States, non-governmental organizations, relevant human rights treaty bodies, special procedures and other mechanisms of the Commissions, national institutions, international, financial and development institutions, and specialized agencies, programmes and funds of the United Nations to collaborate with the Working Group of Experts by providing it with the necessary information and, where possible, reports in order to enable the Working Group to carry out its mandate;

11. *Emphasizes* the importance of the appointment of the five independent eminent experts by the Secretary-General to follow the implementation of the provisions of the Durban Declaration and Programme of Action, with the following terms of reference:

(*a*) To receive reports from States, non-governmental organizations, and all relevant institutions within the United Nations system on the implementation of and follow-up to the Durban Declaration and Programme of Action and make recommendations to States for their national plans of action, bearing in mind the resource constraints of the developing countries;

(*b*) To make recommendations to the Intergovernmental Working Group on measures for effective and coordinated implementation of the Durban Declaration and Programme of Action, including regional perspectives;

(*c*) To make recommendations to the Secretary-General, the Office of the High Commissioner for Human Rights and the Commission on ways and means of mobilizing the resources necessary for anti-racism activities;

(*d*) To assist the Intergovernmental Working Group in its preparation of complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;

(*e*) To cooperate with the Committee on the Elimination of Racial Discrimination, the Commission and the Office of the High Commissioner in the comprehensive implementation of the Durban Declaration and Programme of Action;

12. *Decides* to keep the mandate of the independent eminent experts under constant review;

13. *Welcomes* the efforts of the High Commissioner undertaken within the framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including highlighting the plight of victims and initiating consultations with various international sporting and other organizations, enabling them to contribute to the struggle against racism and racial discrimination, as well as the establishment in her Office of the Anti-Discrimination Unit;

14. *Recognizes* that the success of the Durban Programme of Action requires political will on the part of all countries, adequate funding at the national, regional and international levels and international cooperation;

15. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the High Commissioner to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

16. *Decides* to establish a voluntary fund to provide additional resources for:

(*a*) The effective implementation of the Durban Declaration and Programme of Action, in particular in developing countries;

(*b*) The participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts, in the open-ended sessions of the Working Group of Experts on People of African Descent;

(*c*) The activities of the Committee on the Elimination of Racial Discrimination;

(*d*) National, regional and international activities to counter racism, racial discrimination, xenophobia and related intolerance, including the holding of seminars;

(*e*) The anti-racial discrimination activities of the Anti-Discrimination Unit;

17. *Requests* the High Commissioner to appoint goodwill ambassadors from all regions of the world with a view to mobilizing additional resources for the Voluntary Fund and raising awareness about the scourge of racism, as well as the need for effective implementation of the Durban Declaration and Programme of Action;

II. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION AND COORDINATION OF ACTIVITIES

18. *Strongly appeals* to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and, to this end, requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions, bearing in mind that the activities of the Third Decade will extend beyond 2003 and will now include the implementation of and follow-up to the Durban Declaration and Programme of Action;

19. *Requests* the United Nations High Commissioner for Human Rights to submit an analytical report to the Commission at its next session on the extent of implementation of the Programme of Action for the Third Decade prior to its ending in 2003;

20. *Decides*, in this context, to review the extent of implementation of the Programme of Action for the Third Decade prior to its ending in 2003 and to transmit recommendations to the General Assembly at its fifty-eighth session;

21. *Recommends* that the General Assembly request the Secretary-General to assign high priority to the activities of the Programme of Action for the Third Decade and to earmark adequate resources from the regular budget to finance the activities of the Programme of Action;

22. *Calls upon* all Governments, United Nations bodies, specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to contribute fully to the effective implementation of the Programme of Action;

III. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

23. *Urges* all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to intensify their efforts for the implementation of the obligations they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights and to article 5 of the Convention;

24. *Recalls with interest* general recommendation XV (42) of the Committee on the Elimination of Racial Discrimination on article 4 of the Convention, in which the Committee concluded that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights and recalled in article 5 of the Convention;

25. *Welcomes* general recommendation XXVIII adopted on 19 March 2002 by the Committee on the Elimination of Racial Discrimination, emphasizing the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and recommending measures to strengthen the implementation of the Convention as well as the functioning of the Committee;

26. *Urges* States that have not yet done so to accede to or ratify the Convention as a matter of urgency, with a view to universal ratification by the year 2005;

27. *Urges* the States parties to the Convention that have not yet done so to consider making the declaration provided for in article 14 of the Convention;

28. *Urges* States parties to withdraw all reservations contrary to the object and purpose of the Convention;

29. *Invites* States parties to ratify the amendment to article 8 of the Convention on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

IV. SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AND FOLLOW-UP TO HIS VISITS

30. *Welcomes with satisfaction* the report of the Special Rapporteur (E/CN.4/2002/24 and Add.1 and Add.1/Corr.1) and expresses its full support and appreciation for the work of the Special Rapporteur and for its continuation;

31. *Reiterates its call* to all Governments, intergovernmental organizations and relevant organizations of the United Nations, as well as non-governmental organizations, to cooperate fully with the Special Rapporteur;

32. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

33. *Also requests* the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

34. *Commends* those States that have invited and received the Special Rapporteur so far, and requests all States to issue a standing invitation to the Special Rapporteur;

35. *Urges* Governments to implement the recommendations contained in the reports of the Special Rapporteur;

36. *Requests* the Special Rapporteur to include in his report to the Commission at its fifty-ninth session, under the same agenda item, information on measures to implement those recommendations, in particular those contained in his report submitted to the present session, and to undertake follow-up visits if necessary;

37. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

38. *Decides* to renew the mandate of the Special Rapporteur for three years and to appoint Mr. Doudou Diène as Special Rapporteur, in order to take advantage of his expertise in this field;

V. GENERAL

39. *Reaffirms* that all human beings are born free, equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies;

40. *Stresses* that the prohibition of racial discrimination is a peremptory norm of international law from which no derogation is permitted;

41. *Expresses its profound concern at and its unequivocal condemnation of* all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations which attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

42. *Reaffirms* that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous, and must be rejected;

43. *Also reaffirms* that racism and racial discrimination are among the most serious violations of human rights in the contemporary world and expresses its firm determination and commitment to eradicate, by all available means, racism in all its forms and manifestations;

44. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

45. *Calls upon* all States resolutely to bring to justice the perpetrators of crimes motivated by racism and xenophobia and calls upon those that have not yet done so to consider including in their legislation racist and xenophobic motivation as an aggravating factor for the purposes of sentencing;

46. *Also calls upon* all States to review and revise, where necessary, their immigration laws and policies and practices so that they are free of racial discrimination and compatible with States' obligations under international human rights instruments;

47. *Decides* to include in its rationalized agenda a separate item entitled "Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action".

56th meeting
25 April 2002
[Adopted by a recorded vote of 37 votes to 11, with 5 abstentions. See chap. VI.]

2002/114. Expiration of office-holders' terms of appointment under special procedures

At its 57th meeting, on 26 April 2002, the Commission on Human Rights decided, without a vote:

(*a*) That the six-year period of time referred to in subparagraph (a) (ii) (Special procedure mandates) of the Chairperson of the Commission's statement on enhancement of the effectiveness of the mechanisms of the Commission, of 29 April 1999 (E/1999/23-E/CN.4/1999/167, chap. XX, para. 552), will not extend beyond the last day of the substantive session of the Economic and Social Council immediately following the relevant session of the Commission;

(*b*) That any reports on activities undertaken by the concerned individual office-holder between the date of submission of reports to the relevant session of the Commission and the last day of the substantive session of the Economic and Social Council will be circulated as official documents of the subsequent session of the Commission;

(*c*) That the Chairperson, in consultation with the expanded Bureau, will endeavour to select and appoint office-holders as early as possible with a view to avoiding gaps between terms of office-holders.

[See chap. XX.]

III. Narrative account of the proceedings, including results of voting

Excerpts from chapter VI of Commission draft report (E/CN.4/2002/L.10/Add.6)

"Racism, racial discrimination, xenophobia and all forms of discrimination

1. The Commission considered agenda item 6 at its 8th and 9th meetings, on 21 March, at its 10th and 11th meetings, on 22 March at its 38th meeting, on 12 April, at its 39th meeting, on 15 April 2002 and at its 55th and 56th meetings, on 25 April 2002.

...

Racism, racial discrimination, xenophobia and related intolerance

11. At the 55th meeting, on 25 April 2002, the representative of Nigeria introduced draft resolution E/CN.4/2002/L.12, sponsored by Brazil, Barbados, Cuba, the Dominican Republic, Ecuador, Haiti, Indonesia, the Islamic Republic of Iran, Nigeria (on behalf of States members of the African Group), Uruguay and Venezuela. Chile, China, Costa Rica, India, Mexico, Pakistan, Saudi Arabia and the Syrian Arab Republic subsequently joined the sponsors.

12. The representative of Nigeria orally revised operative paragraphs 28 and 34 of the draft resolution.

13. Statements in connection with the draft resolution were made by the representatives of Canada, Cuba, Guatemala, India, Pakistan, South Africa, Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement), the Sudan and Venezuela.

14. The representative of the Czech Republic proposed deletion of the words "to allow him to continue with his mandate and to reappoint Mr. Maurice Glèlè-Ahanhanzo as Special Rapporteur, in order to take advantage of his expertise;", in paragraph 38 of the draft resolution.

15. Statements in connection with the proposed amendment to the draft resolution were made by the representatives of Canada, China, the Czech Republic, Kenya, Nigeria, Pakistan and Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the

United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement).

16. At the 56th meeting, on 25 April 2002, the representative of Nigeria proposed an amendment to the amendment previously proposed by the representative of the Czech Republic.

17. A procedural debate took place on the order in which the amendments should be voted on. Statements were made by the representatives of Canada, China, the Czech Republic, Nigeria and Spain.

18. Statements in explanation of vote before the vote were made by the representatives of Canada and Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement).

19. At the request of the representative of Nigeria a recorded vote was taken on the amendment proposed by Nigeria, which was adopted by 26 votes to 14, with 13 abstentions. The voting was as follows:

In favour: Algeria, Bahrain, Burundi, Cameroon, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Viet Nam, Zambia.

Against: Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Italy, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Armenia, Brazil, Chile, Costa Rica, Ecuador, Guatemala, Japan, Peru, Russian Federation, Saudi Arabia, Uruguay, Venezuela.

20. A statement in connection with the draft resolution was made by the representative of Nigeria.

21. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

22. At the request of the representative of the Czech Republic, a recorded vote was taken on the draft resolution, as orally revised and amended, which was adopted by 37 votes to 11, with 5 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Austria, Belgium, Canada, France, Germany, Italy, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Armenia, Croatia, Czech Republic, Japan, Republic of Korea.

23. For the text of the resolution, see chapter II, section A, resolution 2002/68.

..."

Excerpts from chapter X of Commission draft report (E/CN.4/2002/L.10/Add.10)

"Economic, social and cultural rights

1. The Commission considered agenda item 10 at its 25th meeting, on 4 April 2002, at its 32nd to 35th meetings, on 9 to 11 April 2002, on its 49th meeting, on 22 April 2002, and at its 51st meeting, on 23 April 2002.

...

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

58. Also at the 49th meeting, the representative of Brazil introduced draft resolution E/CN.4/2002/L.47, sponsored by Algeria, Afghanistan, Argentina, Austria, Bangladesh, Belgium, Brazil, Burundi, Cameroon, China, Cuba, the Dominican Republic, Finland, Georgia, Greece, Guatemala, Iraq, the Netherlands, Panama, Paraguay, Peru, Portugal, Slovenia,

South Africa, Swaziland, Thailand, Uruguay and Venezuela. Angola, Bosnia and Herzegovina, Costa Rica, Denmark, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, France, Germany, Haiti, India, Israel, Italy, Kenya, Luxembourg, Morocco, Nepal, Nicaragua, Norway, Senegal, Sweden, Switzerland. The former Yugoslav Republic of Macedonia and Viet Nam subsequently joined the sponsors.

59. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

60. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/31.

..."

Excerpts from chapter XX of Commission draft report (E/CN.4/2002/L.10/Add.2)

"Rationalization of the work of the Commission

1. The Commission considered agenda item 20, concurrently with items 16, 17, 18 and 19, at it 52nd meeting, on 22 April, at its 53rd and 54th meetings, on 24 April, and at its 57th meeting, on 26 April 2002.

...

Expiration of office-holders' terms of appointment under special procedures

6. At the same meeting, the Chairperson orally proposed a draft decision concerning the expiration of office-holders' terms of appointment under special procedures.

7. The draft decision was adopted without a vote. For the text see chapter II, section B, decision 2002/114.

..."

IV. Administrative and programme budget implications of resolutions and decisions adopted by the Commission at its fifty-eighth session*

1. At its fifty-eighth session, the Commission on Human Rights adopted 92 resolutions and 18 decisions.

2. A number of resolutions and decisions relate to mandates that do not involve substantive costs or for which provisions have been made in the programme budget for the biennium 2002-2003.

3. Before taking a decision on those resolutions and decisions involving programme budget implications, in accordance with regulation 13.1 of the United Nations Financial Regulations and Rules and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission was informed through oral statements of the estimated costs relating to implementation of the requests contained in the resolutions and decisions. In accordance with rule 31 of the rules of procedure of the Council, the statements read out by the secretariat in relation to the resolutions or decisions contained in this document are reproduced in an addendum to it (E/2002/L.6/Add.1).

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* The text of these administrative and programme budget implications will be reproduced in its final, edited form as annex IV to the final report of the Commission on Human Rights on its fifty-eighth session.